



CHICAGO LEGAL CLINIC, INC.

South Chicago • Pilsen • Austin • Downtown

Carrie Huff, President
Edward Grossman, Executive Director
Marta C. Bukata, Deputy Director *
Keith I. Harley – kharley@kentlaw.iit.edu
Greta M. Doumanian
Avani Kamdar

Downtown Office:
211 W. Wacker Dr.
Suite 750
Chicago, IL 60606
Phone (312) 726-2938
Fax (312) 726-5206

* also admitted in Indiana

February 23, 2015

Freedom of Information Officer
U.S. EPA Region 5 (MI – 9J)
77 West Jackson Blvd.
Chicago IL 60604

To the Freedom of Information Act Officer:

Please be advised that I represent the Southeast Environmental Task Force (SETF), a not-for-profit organization dedicated to environmental education, open space preservation and pollution prevention on the southeast side of Chicago, Illinois. SETF's members include several individuals who live in neighborhoods immediately adjacent to the Agri-Fine facility. Consequently, SETF is concerned about the compliance status of this facility, the potential effects of site activities on human health and environmental quality, and government oversight of facility operations.

On behalf of SETF and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request copies of the following documents in your files relating to air emissions from Agri-Fine, Inc., 2701 East 100th Street, Chicago, Cook County, Illinois. Upon information and belief, Agri-Fine's air facility system identification number is IL000031600FDK.

More specifically, I request all construction and operating permits issued by or in the possession of the U.S. EPA. In addition, I request all records related to Agri-Fine for the period from 2007 to the present in the possession of U.S. EPA. The information I am requesting includes, but is not limited to:

1. facility inspection reports;
2. notices of non-compliance;
3. records pertaining to testing, collection, or record keeping of any pollution information related to nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, and hydrogen sulfide;

4. records regarding fugitive particulate matter emissions including any amendment or changes to the fugitive particulate matter operating program;
5. copies of any fugitive dust plans;
6. documents related to the construction and operation of natural gas-fired boilers;
7. air emission reports;
8. citizen complaints and the record of response to these complaints.

In making this request, SETF acknowledges the need to protect the privacy interests of citizen complainants, and will accept redacted documents consistent with this exemption.

Pursuant to the Freedom of Information Act 5 U.S.C. § 552(a)(4)(iii), I request a waiver of any and all fees which you incur in meeting our request. SETF is entitled to a fee waiver because it will use the requested information to inform and educate local communities about the process by which industrial corporations are governed with regards to environmental changes, and it will not use the information to further any profit seeking venture. In considering this fee waiver request, the EPA should also consider the following:

- 1) The EPA has a statutory obligation to ensure that the facility owned and operated by Agri-Fine remains in compliance with requirements that originate in the Clean Air Act. Accordingly, all documents EPA has on file relating to the operation of the Agri-Fine facility are pertinent to public understanding of government operations and the regulation of this specific facility.
- 2) SETF plans to use the requested documents to better understand whether Agri-Fine, Inc., is in compliance with its obligations under the Clean Air Act. Such an investigation is essential for a greater understanding in the community whether the EPA is adequately regulating this facility. However, SETF cannot reasonably obtain the requested information from the public domain.
- 3) SETF also plans to use the requested information to inform and educate members of the community about changes in the environment and quality of life within the Calumet region. SETF's membership includes community organizers, and SETF operates a website from which it frequently disseminates information. With its population and membership, information SETF gathers can be distributed to a broad audience, enabling the public to gain a greater understanding of government regulation of a local industrial plant.
- 4) The requested information is necessary for SETF to begin its investigation into the regulation of the Agri-Fine facility. Moreover, the requested information is not within the public domain. Therefore, disclosure of the requested information will enhance local citizens' understanding of environmental regulation of this facility.

5) SETF is a not-for-profit organization primarily concerned with educating neighborhoods about preserving natural areas and establishing green business practices within the Southeast Chicago area. SETF will exclusively use the requested information in order to further their informational and educational goals. SETF does not plan to use the information to further any commercial interest.

You agency has twenty working days to respond to this request, however, if there is any problem with the document request or fee waiver provision please notify me before you proceed.

SETF is willing to accept electronic versions of documents. If documents are mailed, please send them to my attention at the letterhead address.

If the request is denied in whole or in part, I request a formal determination which explicitly refers to the statutory basis for your denial, and which describes SETF's rights to appeal within your agency.

Thank you for your time and cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Keith Harley".

Keith Harley,
Attorney at Law